



SAR12598A (MTKI-04-332A)

#127
W. H. H.
7-9-05

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

Hung-Ju LEE et al.

: GROUP ART UNIT: **2613**

APPLICATION NO: **09/401,132**

:

FILED: **09/22/1999**

: EXAMINER:

Bugg, George A

FOR: **APPARATUS AND METHOD FOR OBJECT BASED RATE CONTROL IN A CODING SYSTEM**

I hereby certify that this document is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as first class mail or as Express Mail No. _____ in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 21, 2005.

By:

Cindy L. Custer
Cindy L. Custer

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56 AND 1.97-98

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed on the attached form(s) for the Examiner's consideration. One copy of each of the listed documents, other than any U.S. patents, U.S. patent publications and/or pending U.S. applications, is submitted herewith.

This Information Disclosure Statement is being filed:

- ☐ concurrently with the application, within three months of the filing date of the application, or before the mailing date of a first Office Action on the merits;
- ☒ before the mailing of a first Office Action after the filing of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114; or
- ☐ more than three months from the filing date of this application or after the mailing date of the first Office Action on the merits, but before the mailing date of the first to occur of either: (1) a final action under 37 C.F.R. § 1.113; (2) a Notice of Allowance under 37 C.F.R. § 1.311; or (3) an action that otherwise closes prosecution in the application.

Atty. Docket No. **SAR12598A (MTKI-04-332A)**
Application No: **09/401,132**

Therefore:

- ☒ No Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.
- ☐ The fee under 37 C.F.R. § 1.17(p) accompanies this submission.

Statement under 37 C.F.R. § 1.97(e) (if applicable):

- ☐ Each item of information in the accompanying list(s) was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ No item of information in the accompanying list(s) was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained herein was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Nothing in this Information Disclosure Statement or its submission shall be construed as an admission against interest in any manner, including as an admission or representation regarding: (i) the completeness of the list of information, (ii) the status of any listed information or document as prior art, (iii) any search that may or may not have been made, (iv) the pertinence or relevance of any listed information to this application, (v) the possible or actual materiality of the listed information to the patentability of the claims of this application, or (vi) the existence or nonexistence of other (potentially) material information. Applicant does not waive any right to take any action that would appropriate to antedate or otherwise remove any listed information or document as a competent or available reference against the claims of the present application.

Respectfully submitted,



Andrew D. Fortney, Ph.D.
Reg. No. 34,600

7257 N. Maple Avenue, Bldg. D, Suite 107
Fresno, California 93720
(559) 299-0128